



Sen. John J. Cullerton

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LRB094 03774 JAM 45700 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 1A-8, 3-5, 19-1, 19-2, and 19-5 as follows:

6 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

7 Sec. 1A-8. The State Board of Elections shall exercise the
8 following powers and perform the following duties in addition
9 to any powers or duties otherwise provided for by law:

10 (1) Assume all duties and responsibilities of the State
11 Electoral Board and the Secretary of State as heretofore
12 provided in this Act;

13 (2) Disseminate information to and consult with
14 election authorities concerning the conduct of elections
15 and registration in accordance with the laws of this State
16 and the laws of the United States;

17 (3) Furnish to each election authority prior to each
18 primary and general election and any other election it
19 deems necessary, a manual of uniform instructions
20 consistent with the provisions of this Act which shall be
21 used by election authorities in the preparation of the
22 official manual of instruction to be used by the judges of
23 election in any such election. In preparing such manual,
24 the State Board shall consult with representatives of the

1 election authorities throughout the State. The State Board
2 may provide separate portions of the uniform instructions
3 applicable to different election jurisdictions which
4 administer elections under different options provided by
5 law. The State Board may by regulation require particular
6 portions of the uniform instructions to be included in any
7 official manual of instructions published by election
8 authorities. Any manual of instructions published by any
9 election authority shall be identical with the manual of
10 uniform instructions issued by the Board, but may be
11 adapted by the election authority to accommodate special or
12 unusual local election problems, provided that all manuals
13 published by election authorities must be consistent with
14 the provisions of this Act in all respects and must receive
15 the approval of the State Board of Elections prior to
16 publication; provided further that if the State Board does
17 not approve or disapprove of a proposed manual within 60
18 days of its submission, the manual shall be deemed
19 approved.

20 (4) Prescribe and require the use of such uniform
21 forms, notices, and other supplies not inconsistent with
22 the provisions of this Act as it shall deem advisable which
23 shall be used by election authorities in the conduct of
24 elections and registrations;

25 (5) Prepare and certify the form of ballot for any
26 proposed amendment to the Constitution of the State of
27 Illinois, or any referendum to be submitted to the electors
28 throughout the State or, when required to do so by law, to
29 the voters of any area or unit of local government of the
30 State;

31 (6) Require such statistical reports regarding the
32 conduct of elections and registration from election
33 authorities as may be deemed necessary;

34 (7) Review and inspect procedures and records relating

1 to conduct of elections and registration as may be deemed
2 necessary, and to report violations of election laws to the
3 appropriate State's Attorney;

4 (8) Recommend to the General Assembly legislation to
5 improve the administration of elections and registration;

6 (9) Adopt, amend or rescind rules and regulations in
7 the performance of its duties provided that all such rules
8 and regulations must be consistent with the provisions of
9 this Article 1A or issued pursuant to authority otherwise
10 provided by law;

11 (10) Determine the validity and sufficiency of
12 petitions filed under Article XIV, Section 3, of the
13 Constitution of the State of Illinois of 1970;

14 (11) Maintain in its principal office a research
15 library that includes, but is not limited to, abstracts of
16 votes by precinct for general primary elections and general
17 elections, current precinct maps and current precinct poll
18 lists from all election jurisdictions within the State. The
19 research library shall be open to the public during regular
20 business hours. Such abstracts, maps and lists shall be
21 preserved as permanent records and shall be available for
22 examination and copying at a reasonable cost;

23 (12) Supervise the administration of the registration
24 and election laws throughout the State;

25 (13) Obtain from the Department of Central Management
26 Services, under Section 405-250 of the Department of
27 Central Management Services Law (20 ILCS 405/405-250),
28 such use of electronic data processing equipment as may be
29 required to perform the duties of the State Board of
30 Elections and to provide election-related information to
31 candidates, public and party officials, interested civic
32 organizations and the general public in a timely and
33 efficient manner; and

34 (14) To take such action as may be necessary or

1 required to give effect to directions of the national
2 committee or State central committee of an established
3 political party under Sections 7-8, 7-11 and 7-14.1 or such
4 other provisions as may be applicable pertaining to the
5 selection of delegates and alternate delegates to an
6 established political party's national nominating
7 conventions or, notwithstanding any candidate
8 certification schedule contained within the Election Code,
9 the certification of the Presidential and Vice
10 Presidential candidate selected by the established party's
11 national nominating convention in 2004.

12 (15) After the petition challenge period the State
13 Board shall block and seal the addresses of all judicial
14 candidates. The addresses shall be unsealed upon a court
15 order.

16 The Board may by regulation delegate any of its duties or
17 functions under this Article, except that final determinations
18 and orders under this Article shall be issued only by the
19 Board.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of "An Act to revise the law in
26 relation to the General Assembly", approved February 25, 1874,
27 as amended, and filing such additional copies with the State
28 Government Report Distribution Center for the General Assembly
29 as is required under paragraph (t) of Section 7 of the State
30 Library Act.

31 (Source: P.A. 93-686, eff. 7-8-04.)

32 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

33 Sec. 3-5. No person who has been legally convicted, in this

1 or another State or in any federal court, of any crime, and is
2 serving a sentence of confinement in any penal institution, or
3 who has been convicted under any section of this Act and is
4 serving a sentence of confinement in any penal institution,
5 shall vote, offer to vote, attempt to vote or be permitted to
6 vote at any election until his release from confinement.

7 Confinement for purposes of this Section shall include any
8 person convicted and imprisoned but granted a furlough as
9 provided by Section 3-11-1 of the "Unified Code of
10 Corrections", or admitted to a work release program as provided
11 by Section 3-13-2 of the "Unified Code of Corrections".
12 Confinement shall not include any person convicted and
13 imprisoned but released on parole.

14 Confinement or detention in a jail or prison pending
15 acquittal or conviction of a crime is not a disqualification
16 for voting.

17 (Source: P.A. 80-699.)

18 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

19 Sec. 19-1. Any qualified elector of the State of Illinois
20 having duly registered where such registration is required who
21 expects to be absent from the county in which he is a qualified
22 elector or who because of being appointed a judge of election
23 in a precinct other than the precinct in which he resides or
24 who because of physical incapacity or the tenets of his
25 religion in the observance of a religious holiday or who
26 because of election duties for the office of an Election
27 Authority or the State Board of Elections or who because of
28 election duties for a law enforcement agency, including but not
29 limited to the offices of the Attorney General, a State's
30 Attorney, a United States Attorney, or a State, county, or
31 municipal police department, or who, because he is temporarily
32 abiding outside the precinct in which he is registered to vote
33 due to the fact he is a student attending an institution of

1 higher education or who is serving as a sequestered juror on a
2 State or federal jury, or who because of his or her confinement
3 or detention in a jail or prison pending acquittal or
4 conviction of a crime, will be unable to be present at the
5 polls on the day of holding any special, general or primary
6 election at which any presidential preference is indicated or
7 any candidates are chosen or elected, for any congressional,
8 State, district, county, town, city, village, precinct or
9 judicial offices or at which questions of public policy are
10 submitted, may vote at such election as hereinafter in this
11 Article provided.

12 Each Election Authority, law enforcement agency, and the
13 State Board of Elections shall compile and keep current a list
14 of his or its officers or employees who are eligible to vote
15 under this Article by reason of election duties.

16 For purposes of this Article 19, a physically incapacitated
17 voter marks his or her ballot "personally" when the voter
18 exercises his or her physical abilities to their reasonable
19 limit in marking the ballot, and marking personally may include
20 instructing the person assisting the incapacitated voter when
21 giving such instruction represents the reasonable limit of the
22 physical abilities.

23 (Source: P.A. 86-873; 86-875; 86-1028.)

24 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

25 Sec. 19-2. Any elector as defined in Section 19-1 expecting
26 to be absent from the county of his residence or any such
27 elector who because of being appointed a judge of election in a
28 precinct other than the precinct in which he resides or who
29 because of physical incapacity or the tenets of his religion in
30 the observance of a religious holiday or who because of
31 election duties for the office of an Election Authority, the
32 State Board of Elections, or a law enforcement agency, or who
33 because of his or her confinement or detention in a jail or

1 prison pending acquittal or conviction of a crime, will be
2 unable to be present at the polls on the day of such election
3 may by mail, not more than 40 nor less than 5 days prior to the
4 date of such election, or by personal delivery not more than 40
5 nor less than one day prior to the date of such election, make
6 application to the county clerk or to the Board of Election
7 Commissioners for an official ballot for the voter's precinct
8 to be voted at such election.

9 (Source: P.A. 84-808.)

10 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

11 Sec. 19-5. It shall be the duty of the election authority
12 to fold the ballot or ballots in the manner specified by the
13 statute for folding ballots prior to their deposit in the
14 ballot box, and to enclose such ballot or ballots in an
15 envelope unsealed to be furnished by him, which envelope shall
16 bear upon the face thereof the name, official title and post
17 office address of the election authority, and upon the other
18 side if the ballot is to go to an elector who is to be out of
19 the county on the day of the election a printed certification
20 in substantially the following form:

21 I state that I am a resident of the precinct of the
22 (1) *township of (2) *City of or (3) *.... ward in
23 the city of residing at in such city or town in the
24 county of and State of Illinois, that I have lived at such
25 address for months last past; that I am lawfully entitled
26 to vote in such precinct at the election to be held on
27; and I expect to be absent from the county of my residence
28 on the date of such election.

29 *fill in either (1), (2) or (3).

30 I further state that I personally marked the enclosed
31 ballot in secret.

32 Under penalties of perjury as provided by law pursuant to
33 Section 29-10 of The Election Code, the undersigned certifies

1 that the statements set forth in this certification are true
2 and correct.

3

4 If the ballot is to go to an elector who is physically
5 incapacitated the envelope shall bear upon the back thereof a
6 certification in substantially the following form:

7 I state that I am a resident of the precinct of the
8 (1) *township of (2) *City of or (3) *.... ward in
9 the city of residing at in such city or town in the
10 county of and State of Illinois, that I have lived at such
11 address for months last past; that I am lawfully entitled
12 to vote in such precinct at the election to be held on
13; that I shall be physically incapable of being present at
14 the polls of such precinct on the date of holding such
15 election.

16 *fill in either (1), (2) or (3).

17 I further state that I personally marked the enclosed
18 ballot in secret. If I received assistance in casting my
19 ballot, I further attest that, due to physical incapacity, I
20 marked the enclosed ballot in secret with the assistance of

21

22 (Individual rendering assistance)

23

24 (Residence Address)

25 Under penalties of perjury as provided by law pursuant to
26 Section 29-10 of The Election Code, the undersigned certifies
27 that the statements set forth in this certification are true
28 and correct.

29

30 In the case of a voter who is voting absentee by reason of
31 physical incapacity, marking a ballot in secret includes
32 marking a ballot with the assistance of another individual,
33 other than a candidate whose name appears on the ballot (unless
34 the voter is the spouse or a parent, child, brother, or sister

1 of the candidate), the voter's employer, an agent of that
2 employer or an officer or agent of the voter's union, when the
3 voter's physical incapacity necessitates such assistance.

4 If the ballot is to go to an elector who is unable to be
5 present at the polls on the date of the election because of the
6 observance of a religious holiday, the envelope shall bear upon
7 the back thereof a certification in substantially the following
8 form:

9 I state that I am a resident of the precinct of the
10 (1) *township of (2) *City of or (3) *.... ward in
11 the city of residing at in said city or town in the
12 county of and State of Illinois, that I have lived at such
13 address for months last past; that I am lawfully entitled
14 to vote in such precinct at the election to be held on
15; that I shall be unable to be present at the polls of such
16 precinct on the date of holding such election because of the
17 tenets of my religion in the observance of a religious holiday.
18 *fill in either (1), (2) or (3).

19 I further state that I personally marked the enclosed
20 ballot in secret.

21 Under penalties of perjury as provided by law pursuant to
22 Section 29-10 of The Election Code, the undersigned certifies
23 that the statements set forth in this certification are true
24 and correct.

25

26 If the ballot is to go to an elector who is unable to be
27 present at the polls on the date of the election because he or
28 she is confined or detained in jail or prison pending acquittal
29 or conviction of a crime, the envelope shall bear upon the back
30 thereof a certification in substantially the following form:

31 I state that I am a resident of the precinct of the
32 (1) *township of (2) *City of.... or (3) *.... ward in the
33 city of residing at in that city or town in the
34 county of and State of Illinois, that I have lived at such

1 address for months last past; that I am lawfully entitled
 2 to vote in such precinct at the election to be held on
 3; that I shall be unable to be present at the polls of such
 4 precinct on the date of holding such election because of my
 5 confinement or detention in jail or prison pending acquittal or
 6 conviction of a crime.

7 *fill in either (1), (2) or (3).

8 I further state that I personally marked the enclosed
 9 ballot in secret.

10 Under penalties of perjury as provided by law pursuant to
 11 Section 29-10 of The Election Code, the undersigned certified
 12 that the statements set forth in this certification are true
 13 and correct.

14

15 If the ballot is to go to an elector who is temporarily
 16 abiding outside the precinct in which he is registered to vote
 17 due to the fact he is a student attending an institution of
 18 higher education the envelope shall bear upon the back thereof
 19 a certification in substantially the following form:

20 I state that I am a resident of the precinct of the
 21 (1) *township of (2) *City of or (3) *.... ward in
 22 the city of residing at in such city or town in the
 23 county of and State of Illinois, that I have lived at such
 24 address for months last past; that I am lawfully entitled
 25 to vote in such precinct at the election to be held on
 26; and I expect to be absent from the precinct of my
 27 residence on the date of such election because I am temporarily
 28 abiding outside such precinct in the (1) *township of (2)
 29 *city of in the county of and State of due to the
 30 fact I am a student attending an institution of higher
 31 education.

32 *fill in either (1), (2) or (3).

33 I further state that I personally marked the enclosed
 34 ballot in secret.

1 Under penalties of perjury as provided by law pursuant to
 2 Section 29-10 of The Election Code, the undersigned certifies
 3 that the statements set forth in this certification are true
 4 and correct.

5

6 If the election authority adopts the standard absentee
 7 ballot application blank provided in Section 19-3, the printed
 8 certification on the absentee ballot envelope shall be in
 9 substantially the following form:

10 I state that I am a resident of the precinct of the
 11 (1) *township of..... (2) *City of or (3) *..... ward
 12 in the city of residing at in said city or town
 13 in the county of and State of Illinois, that I have
 14 lived at such address for months last past; that I shall
 15 be unable to be present at the polls of such precinct on the
 16 date of holding such election for the reason indicated on the
 17 application for ballot enclosed herein.

18 *fill in either (1), (2) or (3).

19 I further state that I personally marked the enclosed
 20 ballot in secret. If I received assistance in casting my
 21 ballot, I further attest that, due to physical incapacity, I
 22 marked the enclosed ballot in secret with the assistance of

23

24 (Individual rendering assistance)

25

26 (Residence Address)

27 Under penalties of perjury provided by law pursuant to
 28 Section 29-10 of the Election Code, the undersigned certifies
 29 that the statements set forth in this certification are true
 30 and correct.

31

32 In the case of a voter who is voting absentee by reason of
 33 physical incapacity, marking a ballot in secret includes
 34 marking a ballot with the assistance of another individual,

1 other than a candidate whose name appears on the ballot (unless
2 the voter is the spouse or a parent, child, brother, or sister
3 of the candidate), the voter's employer, an agent of that
4 employer, or an officer or agent of the voter's union, when the
5 voter's physical incapacity necessitates such assistance.

6 Provided, that if the ballot enclosed is to be voted at a
7 primary election, the certification shall designate the name of
8 the political party with which the voter is affiliated.

9 In addition to the above, the election authority shall
10 provide printed slips giving full instructions regarding the
11 manner of marking and returning the ballot in order that the
12 same may be counted, and shall furnish one of such printed
13 slips to each of such applicants at the same time the ballot is
14 delivered to him. Such instructions shall include the following
15 statement: "In signing the certification on the absentee ballot
16 envelope, you are attesting that you personally marked this
17 absentee ballot in secret. If you are physically unable to mark
18 the ballot, a friend or relative may assist you after
19 completing the enclosed affidavit. Federal and State laws
20 prohibit a candidate whose name appears on the ballot (unless
21 you are the spouse or a parent, child, brother, or sister of
22 the candidate), your employer, your employer's agent or an
23 officer or agent of your union from assisting physically
24 disabled voters."

25 In addition to the above, if a ballot to be provided to an
26 elector pursuant to this Section contains a public question
27 described in subsection (b) of Section 28-6 and the territory
28 concerning which the question is to be submitted is not
29 described on the ballot due to the space limitations of such
30 ballot, the election authority shall provide a printed copy of
31 a notice of the public question, which shall include a
32 description of the territory in the manner required by Section
33 16-7. The notice shall be furnished to the elector at the same
34 time the ballot is delivered to the elector.

1 (Source: P.A. 89-653, eff. 8-14-96.)".